IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:09-CT-3167-FL

JAMES JOSEPH OWENS,)	-	
Plaintiff,)		
v.)		ORDER
UNITED STATES OF AMERICA,)		
Defendant.)		

Plaintiff filed this action pursuant to the Federal Torts Claim Act, 28 U.S.C. § 2672, et seq. The matter is before the court on plaintiff's renewed motion for discovery (DE # 24) and motion for production of all discoverable evidence (DE # 28). Also before the court is the motion to stay discovery and motion for court-hosted mediation (DE # 27) filed by defendant the United States of America. These matters are ripe for adjudication.

The court begins with defendant's request for court-hosted mediation. Plaintiff does not oppose defendant's request for court-hosted mediation, and the court finds good cause to grant that request. Thus, pursuant to Local Civil Rule 101.1, EDNC, the case is REFERRED to Magistrate Judge David W. Daniel, for court-hosted settlement conference, for the purpose of resolving all issues in dispute. The conference will be conducted at a time and place selected by Magistrate Judge Daniel upon notice to the parties. Except as set forth below, all other terms of the February 16, 2011 case management order remain in force and effect.

The court now turns to defendant's request to stay discovery pending the resolution of mediation. The court notes that plaintiff has filed two motions seeking an order from this court

compelling defendant to provide him with discovery materials. The court, however, finds that a stay

of discovery would be efficient in that the action may be resolved without the need of further

discovery. Additionally, plaintiff has not demonstrated a particular need for discovery prior to

engaging in the settlement process. Accordingly, for good cause shown, defendant's motion to stay

discovery pending resolution of court-hosted mediation is GRANTED. Discovery is stayed for thirty

(30) days while the parties participate in court-hosted mediation.

Where discovery has been stayed, plaintiff's motions to compel discovery are DENIED

without prejudice. Plaintiff may re-file his motions to compel, if necessary, after the conclusion of

court-hosted mediation.

In summary, defendant's motion to stay discovery and motion for court-hosted mediation

(DE # 27) are GRANTED, and discovery is stayed for a period of thirty (30) days. Plaintiff's

renewed motion for discovery (DE #24) and motion for production of all discoverable evidence (DE

#28) are DENIED without prejudice. Finally, the case is REFERRED to Magistrate Judge David

W. Daniel for court-hosted settlement conference.

SO ORDERED, this $\underline{\mathcal{I}}^{L}$ day of March, 2011.

ØUISE W. FLANAGAN

Chief United States District Judge